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| 09/964,600 | 09/28/2001 | Mihoko Kawahara | 826.1761 | 2413 |

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| EXAMINER |
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LASTRA, DANIEL

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| ART UNIT | PAPER NUMBER |
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3622

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,600

Applicant(s)

KAWAHARA ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 13-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 13-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 and 13-36 have been examined. Application 09/964,600 (PORTABLE TERMINAL DEVICE FOR PROVIDING AND OBTAINING ADVERTISEMENT INFORMATION, ADVERTISEMENT PROVIDING METHOD, ADVERTISEMENT OBTAINING METHOD, ADVERTISEMENT DISTRIBUTING METHOD AND PROGRAM THEREFOR) has a filing date 09/28/2001 and foreign priority 06/04/2001.

Response to Amendment

2. In response to Advisory Action filed 03/27/2006, the Applicant filed an RCE which amended claims 1, 13-18, 20, 22-24, cancel claims 2-12 and added new claims 26-36.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 13-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 13-25 recite "a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods". Said claims are indefinite because they do not clearly teach the meaning of pre-assigned goods and also do not clearly teach the meaning of wearing or carrying pre-assigned goods to act as an advertisement medium. Also, Claims 13-22 are indefinite because they recite "storing plural pieces of advertising information" but do not say how said storing is done. Furthermore, Claims 1 and 13-36 are indefinite because they do not

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clear teach the meaning of a "advertising medium person". The claims do not clearly teach if a person is an advertisement or if the portable device is the advertisement medium. Therefore, for purpose of art rejection, the Examiner would equate a Joao "content provider" as the advertisement medium person".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 13-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Avnet (US 2002/0094787).

As per claim 1, Avnet teaches:

An advertisement providing method, comprising:

storing in storage unit of a portable terminal device carried by an advertisement medium *person* (see figure 1, items 16 and 18), advertising information about goods the advertisement medium *person is wearing or carrying or has associated with them* (see paragraph 16); and transmitting the advertising information stored in the storage unit by

a wireless signal upon receipt of a request to transmit advertising information from another portable terminal device (see paragraph 16).

As per claim 13, Avnet teaches:

An advertisement distributing method, comprising:

storing plural pieces of advertising information (see paragraph 5);

receiving a user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* (see paragraph 5);

distributing advertising information about the goods to a portable terminal device of *the person* who has gained user entry (see paragraph 5); and

retrieving a corresponding advertisement and distributing the advertisement to another portable terminal device of a consumer when a request to view an advertisement is received according to advertising information transmitted from the portable terminal device of *the person acting as the advertisement medium* to the portable terminal device of a consumer (see paragraphs 14, 16).

As per claim 14, Avnet teaches:

A computer-executable program for realizing the functions of:

storing plural pieces of advertising information (see paragraph 5);

receiving a user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* (see paragraph 5);

distributing advertising information about the goods to a portable terminal device of *the person* who has gained user entry (see paragraph 14); and

retrieving a corresponding advertisement and distributing the advertisement to another portable terminal device of a consumer when a request to view the advertisement is received according to advertising information transmitted from the portable terminal device of *the person acting as the* advertisement medium to the portable terminal device of the consumer (see paragraphs 14-16).

As per claim 15, Avnet teaches:

An advertisement distributing method, comprising:

storing plural pieces of advertising information (see paragraph 5);

distributing advertising information about goods *to a portable terminal device* at a request of *a person wearing or carrying pre-assigned goods who is acting as an* advertisement medium to a portable terminal device (see paragraph 16); and

giving an advertising reward to the advertisement medium who has provided the advertising information when a consumer views an advertisement or buys the goods after receiving the advertising information and according to the advertising information transmitted from the portable terminal device of the *person acting as the* advertisement medium to another portable terminal device of the consumer (see paragraphs 16 and 29).

As per claim 16, Avnet teaches:

An advertisement distributing method, comprising:

storing plural pieces of advertising information (see paragraph 16);

receiving a user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* (see paragraph 16) and

distributing advertising information about goods to a portable terminal device of *person acting as the* advertisement medium who has gained user entry (see paragraph 16), and

realizing the function of requesting transmission of advertising information or transmitting advertising information between the portable terminal device of the *person acting as the* advertisement medium and another portable terminal device of a consumer (see paragraphs 16, 29).

As per claim 17, Avnet teaches:

A advertisement distributing method, comprising:

storing plural pieces of advertising information (see paragraph 18);

receiving a user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* (see paragraph 5);

distributing advertising information about the goods to a portable terminal device of the *person* who has gained user entry (see paragraph 5); and

retrieving a corresponding advertisement and distributing the advertisement to another portable terminal device of a consumer when a request to view the advertisement is issued from the portable terminal device of the consumer with the advertising information and user-specified information for designation of the *person acting as the* advertisement medium specified (see paragraph 12).

As per claim 18, Avnet teaches:

An advertisement distributing method, comprising:

storing plural pieces of advertising information (see paragraph 5);

receiving a user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* (see paragraph 5);

retrieving advertising information of corresponding goods when a request to view advertising information is received from a portable terminal device of a consumer containing user specified information about an advertisement medium and a retrieval condition of goods (see paragraphs 5 and 12); and

distributing the advertising information obtained by the retrieval to the portable terminal device of the consumer (see paragraph 14).

As per claim 19, Avnet teaches:

The method according to claim 18, wherein said user information comprises user-specified information, information designating whether or not an advertisement can be distributed, a term of distribution, and information designating access destination for advertising information (see paragraph 13).

As per claim 20, Avnet teaches:

An advertisement distributing method, comprising:

storing plural pieces of advertising information (see paragraph 5);

accepting user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* (see paragraph 5);

storing user-specified information and a profile about the *person* who has gained the user entry, and advertisement specified information for designation of advertising information about goods the *person acting as an advertisement medium is wearing or carrying* (see paragraph 12); and

retrieving the advertisement medium having a matching or similar profile to a profile specified by a consumer from information about the entered advertisement medium and distributing advertising information of goods *for which the person is acting as the* advertisement medium to a portable terminal device of the consumer when a request to view an advertisement with the user specified information and the profile of the *person acting as the* advertisement medium specified by the consumer is received from the portable terminal device of the consumer (see paragraph 12).

As per claim 21, Avnet teaches:

The method according to claim 20, wherein a profile matching or similar to the profile of an advertisement medium specified by the consumer is retrieved (see paragraph 12);

advertisement specified information stored as associated with the advertisement medium having matching or similar profile specified by the consumer is obtained (see paragraph 12); and

advertising information specified by the obtained advertisement specified information is retrieved, and the advertising information obtained by the retrieval is distributed to the portable terminal device of the consumer (see paragraph 15).

As per claim 22, Avnet teaches:

A advertisement distributing method, 15 comprising:

storing plural pieces of advertising information (see paragraph 5);

accepting a user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* and a consumer, and storing user-specified

information about the *person* who has gained the user entry, goods specified information designating goods *the person acting as the* advertisement medium, user-specified information about the consumer who has gained the user entry, and a profile of the consumer (see paragraph 12);

retrieving the goods specified information designating the goods the *person is acting as the* advertisement medium for corresponding to the user-specified information about the advertisement medium, and the profile of the consumer corresponding to the user specified information about the consumer (see paragraph 12);

obtaining advertising information matching the profile of the consumer based on the retrieval result (see paragraph 12); and

distributing the obtained advertising information to a portable terminal device of a consumer (see paragraph 13).

As per claim 23, Avnet teaches:

An advertisement distribution device, 15 comprising:

an advertisement storage unit storing plural pieces of advertising information (see paragraph 5);

an entry unit accepting a user entry of a *person wearing or carrying pre-assigned goods to act as* an advertisement medium *for the goods* (see figure 1);

an advertisement distribution unit distributing advertising information about the goods to a portable terminal device of *the person acting as the* advertisement medium who has gained the user entry (see paragraph 14); and

a retrieval/distribution unit retrieving a corresponding advertising information from said advertisement storage unit, and distributing the advertising information to another portable terminal device of a consumer (see paragraph 27).

As per claim 24, Avnet teaches:

An advertisement distribution device, comprising:

an advertisement storage unit storing plural pieces of advertising information (see paragraph 14);

an entry unit accepting a user entry of *a person wearing or carrying pre-assigned goods to act as an advertisement medium for the goods* (see paragraph 14);

a user information storage unit storing a profile and user-specified information about the *person* who has gained the user entry (see paragraph 12),

and advertisement specified information designating advertising information about the goods the *person is acting as the* advertisement medium for (see paragraph 14); and

retrieving the advertisement medium having a matching or similar profile to a profile specified by a consumer from said user information storage unit and distributing advertising information of goods *for which person acting as the* advertisement medium *for* to a portable terminal device of a consumer when a request to view an advertisement with user specified information and the profile of the advertisement medium specified by the consumer is received from the portable terminal device of the consumer (see paragraph 12).

As per claim 25, Avnet teaches:

A system comprising:

a first portable device allowing an advertiser to enter and store advertising information therein and allowing the advertiser to wirelessly transmit the advertising information responsive to a request (see paragraph 27) ; and

a second portable device allowing a consumer to wirelessly request the advertising information stored in the first portable device and displaying the advertising information wirelessly received from the first portable device (see paragraphs 14, 27).

As per claim 26, Avnet teaches:

An advertising information delivery method for use with a server device, comprising:

receiving from a portable terminal device of a consumer via a network a reviewing request, which contains both user identifying information of a plurality of advertisement medium persons each wearing or carrying goods to act as an advertisement medium and goods search conditions (see figure 1 and paragraph 16);

determining, in a manner based on information about the advertisement medium persons, the information having been stored in a storage unit and containing the user identification information, the advertisement medium persons corresponding to the received user identifying information (see paragraph 12),

finding from the storage unit, advertising information of the goods conforming to the received goods search conditions among the goods connected to the determined advertisement medium persons (see paragraph 14); and

delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 27, Avnet teaches:

The advertising information delivery method for use with a server device and according to claim 26, wherein: the user identifying information of the plurality of the advertisement medium persons is received a plurality of times (see paragraph 14);

the user identifying information which has been contained every time in the received user identifying information is determined (see paragraph 12); and

the advertising information of the goods conforming to the received goods search conditions among the goods connected to the advertisement medium persons corresponding to the determined user identifying information is found (see paragraphs 14-16).

As per claim 28, Avnet teaches:

An advertising information acquiring method for enabling a portable terminal device of a consumer to acquire advertising information from a server device via a network, comprising:

receiving from other portable terminal devices, which are carried by advertisement medium persons each wearing or carrying goods to act as an advertisement medium, the user identifying information of the advertisement medium persons (see figure 1 and paragraph 12)

obtaining an input of the consumer specifying goods search conditions (see paragraph 14);

transmitting to the server device, a reviewing request including both the user identifying information and the goods search conditions (see paragraphs 12-14);

causing the server device determine the advertisement medium person corresponding to the user identifying information included in the reviewing request among the advertisement medium person corresponding to the user identifying information stored in a storage unit of the server device (see paragraph 12);

causing the server device to find the advertising information of the goods conforming to the goods search conditions among the goods connected to determined the advertisement medium persons (see paragraph 14); and

acquiring, as delivered from the server device, the found advertising information (see paragraph 14).

As per claim 29, Avnet teaches:

The advertising information acquiring method according to claim 28 in which:

the user identifying information is received from the portable terminal devices a plurality of times (see paragraph 12); and

the user identifying information and goods search conditions received a plurality of times are transmitted to the server device to determine the advertisement medium persons (see paragraphs 12-14).

As per claim 30, Avnet teaches:

An advertising information delivery method for use with a server device, comprising:

receiving from a portable terminal device of a consumer via a network a reviewing request, which contains both user identifying information of a plurality of advertisement medium persons each wearing or carrying goods to act an advertisement medium and a profile for selectively determining the advertisement medium persons (see paragraphs 12-14);

determining, in a manner based on information about the advertisement medium persons, the information having been stored in a storage unit and containing the user identifying information and the profile, the advertisement medium persons corresponding to the received profile among the advertisement medium persons corresponding to the received user identifying information (see paragraph 12);

finding advertising information of the goods connected to the determined advertisement medium persons (see paragraph 14); and

delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 31, Avnet teaches:

An advertising information acquiring method for a portable terminal device of a consumer acquiring advertising information from a server device via a network comprising:

receiving user identification information of a plurality of advertisement medium persons each wearing or carrying goods from a plurality of portable terminal devices carried by the advertisement medium persons (see figure 1);

obtaining an input of the consumer specifying a profile for selectively determining advertisement medium persons (see paragraphs 12-16);

transmitting to the server device, a reviewing request comprising both the user identifying information and the profile (see paragraph 12);

causing to determine the advertisement medium person corresponding to the user identifying information and the profile contained in the reviewing request among the user identifying information and the profiles stored in a storage unit of the server unit (see paragraph 12);

causing to find the advertising information of the goods connected to the determined advertisement medium persons (see paragraphs 12-16); and

acquiring the found advertising information delivered from the server device (see paragraph 14).

As per claim 32, Avnet teaches:

The advertising information acquiring method according to claim 31, wherein:

accepting the input of the consumer comprising the profile for specifying advertisement medium persons and the goods search conditions (see paragraphs 14-15); and

transmitting the retrieving request comprises the plurality of the user identifying information, the profile and the goods search conditions to the server device (see paragraphs 12-16).

As per claim 33, Avnet teaches:

A server device for delivering advertising information of goods to a portable terminal device of a consumer via a network, comprising:

a receiving unit receiving from the portable terminal device of the consumer, a reviewing request, which comprises both user identifying information of advertisement medium persons each wearing or carrying goods to act as an advertisement medium and goods search conditions (see figure 1, paragraphs 12-16);

a searching unit determining, in a manner based on information about the advertisement medium persons, the information having been stored in a storage unit and containing the user identifying information (see paragraph 14), the advertisement medium persons corresponding to the received user identifying information, and finding, from the storage unit, advertising information of the goods conforming to the received goods search conditions among the goods connected to the determined advertisement medium persons (see paragraph 14); and

a delivery unit delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 34, Avnet teaches:

The server advice according to claim 33, wherein:

the receiver unit receives the user identifying information every time when the user identifying information being received by the portable terminal device of the consumer a plurality of times (see paragraph 12); and

the searching unit determines the user identifying information contained every time among the user identifying information received a plurality of times by the receiver

unit and finding the advertising information of the goods conforming to the received goods search conditions among the goods connected to the advertisement medium persons corresponding to the determined the user identifying information (see paragraphs 12-16).

As per claim 35, Avnet teaches:

A server device for delivering advertising information of goods to a portable terminal device of a consumer via a network, comprising:

a receiver unit receiving from the portable terminal device of the consumer, a reviewing request, which comprises both user identifying information of advertisement medium persons each wearing or carrying goods to act as an advertisement medium and a profile for selectively determining advertisement medium persons (see paragraphs 12-16 and figure 1);

a searching unit determining, in a manner based on information about the advertisement medium persons, the information having been stored in a storage unit and containing the user identifying information and the profile, the advertisement medium persons conforming to the profile among the advertisement medium persons corresponding to the received user identifying information and searching, from the storage unit, advertising information of the goods connected to the determined advertisement medium persons (see paragraph 14); and

a delivery unit delivering the found advertising information to the portable terminal device of the consumer (see paragraph 14).

As per claim 36, Avnet teaches:

The server device according to claim 35, wherein
said portable terminal device has the functions of performing wireless communications with a wireless base station in a portable telephone network, and performing wireless communications with the portable terminal device of the consumer (see paragraph 17).

Response to Arguments

6. Applicant's arguments with respect to claims 1 and 13-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

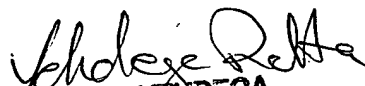
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
May 29, 2006



RETTA YENDEGE
PRIMARY EXAMINER